

February 16, 2008

The Honorable Gary King
Attorney General of New Mexico
P.O. Drawer 1508
Santa Fe, New Mexico 87504

Subject: Non-compliance by the Albuquerque Public School (APS) System leadership to my initial January 13, 2008 New Mexico Inspection of Public Records Act (IOPRA) Request-as amended on January 14 and 16.

Dear Mr. Attorney General

In December and January many other parents/taxpayers and I felt betrayed when Albuquerque Mayor Chavez unexplainably reneged on a two month City commitment to the Albuquerque Public School Board to exchange City park land with the APS land upon which the temporary Georgia O'Keeffe Elementary (GO'K) School now sits. This promised land exchange would have permitted the new school to be built there at a minimum cost to taxpayers and with the least disruption to the GO'K students.

Last November, Dr. Brad Winter, APS's Facilities Support and Operations Director, confirmed to me that they were fearful of the repeated threats of a civil suit made by local residents living around the GO'K school and the adjacent City Park if the land exchange occurred. Those threatening the legal action wanted to keep the park in its current location despite the cost to taxpayers and adverse impact on the students. These threats were repeated publicly during a November 15 APS briefing hosted by our Eisenhower Area Neighborhood Association. Fearing the lawsuit, area residents suspected that Dr. Winter then directed his APS staff to drop their support of the original approach and falsify cost and schedule estimates to make the new wasteful approach appear acceptable. Only later did APS intend to tell taxpayers the actual higher construction costs and far longer completion schedule. Fearing that the School Board would go back to the original cost-saving approach after the December 12 final briefing to area residents, the City suddenly withdrew the land exchange offer thus forcing the APS School Board into the very unpopular construction approach that knowingly would waste multi-millions of our tax dollars.

With my initial January 13 IOPRA request and amendments thereto on January 14 and 16 as shown in attachment 1, I had hoped to expose these deliberately deceptive cost and schedule estimates as well as determine the specifics and

objectivity of the petitions that were circulated in early November by those opposing the land exchange and supported the wasteful construction approach.

Despite numerous follow-up e-mails, the first items I would see would be the petitions that would not be shown me until January 22 by APS's Rigo Chavez who has this IOPRA compliance responsibility. I would not see any other information until January 30 after the due date. That material shown me was unresponsive. In an attempt to discredit me to the School Board and to others, West Side School Board member Robert Lucero then began sending me on January 28 disparaging e-mails. This was done with the knowledge and apparent blessing of interim APS Superintendent Ms. Linda Sink. Mr. Lucero would criticize me for daring to question the data upon which the wasteful construction approach was justified.

His e-mail attacks continued up until February 12 when I asked that Ms. Sink direct Mr. Lucero to stop acting on her behalf and that only she responds directly to me. Following my second and final visit to APS on January 30, it was very clear that Dr. Winter and his staff either could not support their misleading estimates and thus chose to withhold the specific IOPRA requested cost and schedule justification data I requested. They also did not intend to provide the audio and other records of the discussions during the APS public briefings. This would have confirmed that GO'K area residents had indeed heard the City's Parks and Recreation Director's repeated commitment to exchange the land with APS-something he later denied. I summarized the specifics of this unresponsiveness to my IOPRA requests in a February 3, 2008 e-mail shown in Attachment 1 and in subsequent e-mails to APS.

Finally fed up with the stonewalling that I was receiving I advised Ms. Sink on February 10 that I intended to file a formal complaint of non-compliance with your office. As I was preparing this letter today, I would receive a letter from Rigo Chavez-dated four days earlier claiming that APS had been responsive to some but not all of my IOPRA requested data. Today I prepared a reply back to Mr. Chavez. Copies of his letter and my response are attached. (See Attachments 2 and 3.)

To try to get to the bottom of this scandalous situation, I had also made an IOPRA request on January 16 to the City of Albuquerque that for the most part, had also been unresponsive. Like APS they were seemingly withholding all the incriminating information on file. This complaint against the City is the subject of another complaint to you. I am now trying to obtain some of that City-withheld information with a new IOPRA e-mail request to APS that was submitted on February 13.

I request that you investigate this matter and demand that APS comply with my January IOPRA requests. As with the City, the blame for this non-compliance

should not be placed on their respective records custodians such as Mr. Chavez but with their superiors, beginning with Acting APS Superintendent-Ms. Linda Sink.

The APS leadership, like our City officials is making a mockery out of the State's IOPRA by paying it lip service. I await your response

Sincerely,



Silvio Dell'Angela

President-Eisenhower Area Neighborhood Association (EANA)

Caring for 525 families in the GO'K area

Attachments:

1. Listing of e-mails exchanged from January 13-February 13, 2008
2. APS's Rigo Chavez's February 12, 2008 letter to me-received February 16, 2008
3. My February 16, response to Mr. Chavez to be mailed on February 17.

Copies to: Your Albuquerque Office at 111 Lomas NW Suite 300
The Foundation for Open Government